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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,361	03/01/2004	Joseph Z. Wascow	0212.69069	9336

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EXAMINER

ZARROLI, MICHAEL C

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/790,361

Applicant(s)

WASCOW ET AL.

Examiner

Michael C. Zarroli

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-11, 13, 26, 29 and 31-33 is/are rejected.
 7) ☒ Claim(s) 12, 14-25, 27, 28 and 30 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>dictionary definition</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Rosa et al.

Rosa discloses a power cord retaining system (title) for use with a power tool (12) configured for accommodating an extension cord (314), said system comprising: a cord capture formation (310) disposed on the tool (fig. 20) for retaining the extension cord disposed on the tool; and a cord channel (312) disposed on an outside surface of the tool and having an arcuate shape (figures 22 & 23 show 312 with an arcuate), said cord channel configured for contacting and supporting a loop of the cord substantially along a semi-circular path defined by the loop (fig. 20); wherein said cord capture formation and said cord channel are disposed in operational relationship to each other (figures 20 & 22) on the tool to restrain the

loop of the cord in a cord plane, said cord plane being generally parallel to a major axis of the tool (figures 20 & 22).

Regarding claim 2 Rosa discloses that said cord capture formation and said cord channel are constructed and arranged on the tool for the user to view said cord channel when the cord is installed and removed (figures 22 & 23).

Regarding claim 3 Rosa discloses that the tool has a receptacle (318) for receiving an end (316a) of the extension cord, and said cord capture formation and said cord channel are disposed in relation to the tool so that the restrained cord forms only two loop planes (fig. 20 at 314 and around 312) when the cord is plugged into the tool.

Regarding claim 4 Rosa discloses that the cord capture formation is configured for maintaining an orientation of the cord that prevents bends and kinks in the cord when the cord is retained in the system (fig 20).

Regarding claim 5 Rosa discloses that said cord channel has inclined leading and trailing edges (figures 22 & 23).

Regarding claim 6 Rosa discloses a cord lock (curved end of 312) for securing the cord in said cord channel.

3. Claims 7-11, 13, 26, 29, 31-33 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Rosa et al.

Rosa discloses a plug retaining system (title) for use with a power tool configured for maintaining electrical continuity between the plug (316a) and the tool (300), said system comprising: contact means (324) configured for engaging the plug disposed on the tool; and attachment means (304) configured for attaching said contact means to the tool (fig. 20) wherein said attachment means is disposed on the tool (fig. 20) immediately proximate a receptacle (318) on the tool configured to receive the plug (316).

Regarding claim 8 Rosa discloses that said contact means exerts at least one of a radial force and an axial force on the plug (action of fingers of 306 in figures 20 & 23).

Regarding claim 9 Rosa discloses a docking enclosure (322) provided on said tool, wherein said attachment means are attached to said docking enclosure (fig. 21).

Regarding claim 10 Rosa discloses a cord retaining system for use with the power tool configured for accommodating an extension cord (314), said cord retaining system comprising; a cord capture formation (310) for retaining the extension cord (fig. 20) disposed on the tool; and a cord channel (312) disposed on the tool and configured for supporting a loop of the cord substantially along an arc defined by the loop (fig. 20).

Regarding claim 11 Rosa discloses that said attachment means includes: a ring (fig. 21 at 304) disposed on the tool configured for attaching said contact means to the tool; and said contact means includes at least one finger (306) extending from said ring configured for engaging the plug.

Regarding claim 13 Rosa discloses that said ring further comprises at least one attachment formation, wherein one of said at least one attachment formation is an aperture (fig. 21 hole) configured for engaging corresponding structure (320 & 322) on the tool.

Regarding claim 26 Rosa discloses a collar (304) rotatably disposed on the tool configured for attaching said contact means to the tool (fig. 21); and said contact means includes at least one spline (306) associated with said collar and configured for engaging the plug.

Regarding claim 29 Rosa discloses a plug retaining system (title) for use with a power tool (12) configured for maintaining electrical continuity between the plug (316a) and the tool, said system comprising; a ring (304) disposed on the tool configured for attaching said contact means to the tool (figures 20 & 21) said ring disposed on the tool (fig. 20) immediately proximate a receptacle (318) of the tool configured to receive the plug (fig. 22); and at least one finger (306) extending from said ring configured for engaging the plug (fig. 20).

Regarding claim 31 Rosa discloses that said ring further comprises at least one attachment formation, wherein one of said at least one attachment formation is an aperture (fig. 21 hole) for engaging corresponding structure (320, 322 on the tool.

Regarding claim 32 Rosa discloses that said ring is friction fit into said at least one locating structure (figures 20 & 21).

Claim 33 Rosa discloses that a cord retaining system (title) and a plug (316a) retaining system, said cord retaining system configured for accommodating an extension cord (314) on a power tool (302), and said plug retaining system configured for maintaining electrical continuity between the plug and the tool (fig. 23), the retaining system comprising: contact means (324) for engaging the plug disposed on the tool; attachment means (304) configured for attaching said contact means to the tool (fig. 22); a cord capture formation (310) for retaining the extension cord disposed on the tool; and a cord channel (312) disposed on the tool and having an arcuate shape (fig. 23 shows 312 with an arcuate), said cord channel configured for contacting and supporting a loop of the cord substantially along an arc defined by the loop (fig. 20).

Allowable Subject Matter

4. Claims 12, 14-25, 27, 28 and 30 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 6/30/05 have been fully considered but they are not persuasive.

The examiner believes Rosa 312 is arcuate; see figure 22 for example. The next page of this action shows a dictionary definition of the term arcuate. In addition figure 20 of Rosa shows the cord being supported by 312 along a semi circular path. Component 312 of Rosa is arcuate as shown in figures 22 & 23 so how can there be a "linear" surface?

In response to applicant's argument on page 16, a recitation of the intended use of the claimed invention must result in a **structural difference** between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art.

See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

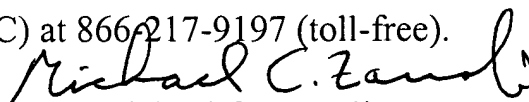
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Zarroli whose telephone number is 571-272-2101. The examiner can normally be reached on 7:30 to 3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, T.C. Patel can be reached on (571) 272-2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Primary Examiner
Art Unit 2839

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Anatomy

Arched or curved like a bow.

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